



3. At presentation of the motion to compel, defendant agreed that the information was relevant and discoverable in open court, and committed to production of a full response to this interrogatory within two weeks. Two weeks from that date was January 26, 2011.

4. Since then, defendant has repeatedly committed to producing a response, but has not done so. Counsel have traded approximately twenty five emails on the subject since the motion to compel was presented to the Court. The dealings included the following:

- a. On January 31, 2011, defendant indicated that documents would be forwarded to plaintiff's counsel on February 1, 2011, by "FedEx on a disk." This did not happen.
- b. On February 7, 2011, defendant indicated that it had been reviewing documents for an entire week, and had not gone through all of the records. Defendant suggested that the parties continue the settlement conference that had been scheduled for February 15, 2011.
- c. On February 22, 2011, defendant stated that, "The documents requested will be delivered to you tomorrow, upon my return to the office." This did not happen.
- d. On March 2, 2011, plaintiff's counsel called and wrote an email to defense counsel, stating that if the materials were not in plaintiff's counsel's hands by noon on March 4, 2011, plaintiff would file a motion for rule to show cause.
- e. On March 7, 2011, a disc was delivered via FedEx. However, the disc is unreadable, and does not appear to contain a response to the

interrogatory; all it appears to contain is several thousand documents that plaintiff's counsel cannot decipher.

5. Plaintiff's counsel has worked hard to get these materials from defendant without having had to file a motion. Plaintiff requests that the Court order defendant to produce a complete written response to this interrogatory, without regard to any objections, within seven days.

6. Plaintiff also requests that the Court order defendant to pay all reasonable attorney's fees connected with plaintiff's counsel's attempts to wrench this undisputedly relevant information from defendant, which defendant *agreed to produce*.

WHEREFORE, Plaintiff respectfully requests that this Court issue an order requiring defendant Argonne Credit Union to show cause why it has not yet provided plaintiff with materials responsive to plaintiff's first motion to compel, which counsel committed to producing in court on January 12, 2011, and to produce those records without regard to any objections, within seven days, and pay plaintiff's reasonable attorney's fees expended in attempting to obtain these materials.

Respectfully Submitted,

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